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7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. PT-2010-3195

13 **CHERYL LEE LEONARD**
800 E. Collins Avenue
Orange, CA 92867

A C C U S A T I O N

14 Psychiatric Technician License No. PT 30758

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in
20 her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric
21 Technicians, Department of Consumer Affairs (Board).

22 2. On or about December 7, 2000, the Board of Vocational Nursing and Psychiatric
23 Technicians (Board) issued Psychiatric Technician License No. PT 30758 to Cheryl Lee Leonard
24 (Respondent). The Psychiatric Technician License, which was in full force and effect at all times
25 relevant to the charges brought herein, expired on November 30, 2010, has not been renewed,
26 and is now delinquent.

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1 Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2
2 ([Healing Arts] commencing with Section 500) of this code, or any initiative act referred to in that
3 division, from taking disciplinary action against a licensee or from denying a license for
4 professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a
5 record pertaining to an arrest.

6 "This section shall not be construed to apply to any drug diversion program operated by any
7 agency established under Division 2 (commencing with Section 500) of this code, or any
8 initiative act referred to in that division."

9 7. Section 4520 states, in pertinent part, that the Board may discipline any licensed
10 psychiatric technician for any reason provided in Article 3 (commencing with section 4520) of
11 the Psychiatric Technicians Law (Code § 4500, et. seq.)

12 8. Section 4521 states, in pertinent part:

13 "The board may suspend or revoke a license issued under this chapter [the Psychiatric
14 Technicians Law (Bus. & Prof Code, 4500, et seq.)] for any of the following reasons:

15 "(a) Unprofessional conduct, which includes but is not limited to any of the following:

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17 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
18 violation of, or conspiring to violate any provision or terms of this chapter.

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20 "(f) Conviction of any offense substantially related to the qualifications, functions, and
21 duties of a psychiatric technician, in which event the record of the conviction shall be conclusive
22 evidence of the conviction. The board may inquire into the circumstances surrounding the
23 commission of the crime in order to fix the degree of discipline."

24 "(n) The commission of any act involving dishonesty, when that section is substantially
25 related to the duties and functions of the licensee."

26 **REGULATORY PROVISIONS**

27 9. California Code of Regulations, title 16, section 2578, states, in pertinent part:

28 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5

1 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
2 considered to be substantially related to the qualifications, functions or duties of a licensed
3 psychiatric technician if to a substantial degree it evidences present or potential unfitness of a
4 licensed psychiatric technician to perform the functions authorized by his license in a manner
5 consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be
6 limited to those involving the following:

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8 "(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
9 violation of, or conspiring to violate any provision or term of Chapter 10, Division 2 of the
10 Business and Professions Code."

11 **COST RECOVERY**

12 10. Section 125.3 states, in pertinent part, that the Board may request the administrative
13 law judge to direct a licensee found to have committed a violation or violations of the licensing
14 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
15 case.

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Convictions of Substantially-Related Crimes)**

18 11. Respondent is subject to disciplinary action under sections 490 and 4521, subdivision
19 (f), in conjunction with California Code of Regulations, title 16, section 2578, on the grounds of
20 unprofessional conduct, in that Respondent was convicted of crimes that are substantially related
21 to the qualifications, functions, and duties of a psychiatric technician as follows:

22 a. On or about June 24, 2010, after pleading *nolo contendere*, Respondent was
23 convicted of one felony count of violating Penal Code section 459 [burglary: second degree], in
24 the criminal proceeding entitled *The People of the State of California v. Cheryl Lee Leonard*
25 (Super. Ct. San Bernardino County, 2010, No. FWV1000849). The court sentenced Respondent
26 to serve 194 days in jail, placed her on probation for a period of 36 months, and fined her. The
27 circumstances surrounding the conviction are that on or about April 08, 2010, an Ontario Police
28 Department Officer was dispatched to investigate a burglary at a Target Department Store in the

1 City of Ontario, California. When the officer arrived, the Target Loss Prevention Officer had
2 Respondent in custody, along with another suspect. During a search of Respondent's vehicle, the
3 officer recovered items which appeared to have been stolen from the Kohl's Department Store
4 (Kohl's) located immediately next to the Target store. The officer then confirmed with the Loss
5 Prevention Agent from Kohl's that the items found in Respondent's vehicle had come from their
6 store. The officer also confirmed that Kohl's Loss Prevention Agent had observed Respondent
7 on Kohl's surveillance video walking within and then exiting the store without paying for those
8 same items that were later recovered from her (Respondent's) vehicle after Respondent's
9 subsequent arrest that same day at the Target store. The Respondent admitted to the officer that
10 she had stolen the items found in her vehicle from Kohl's. Respondent was subsequently arrested
11 and convicted of violating Penal Code section 459.

12 b. On or about April 05, 2010, after pleading *guilty*, Respondent was convicted of one
13 misdemeanor count of violating Vehicle Code section 20002, subdivision (a) [hit and run non-
14 injury], in the criminal proceeding entitled *The People of the State of California v. Cheryl Lee*
15 *Leonard* (Super. Ct. San Bernardino County, 2010, No. TSB1000794). The court placed
16 Respondent on probation for a period of 36 months, and fined her. The circumstances
17 surrounding the conviction are that on or about January 29, 2010, Respondent was cited by a San
18 Bernardino Sheriff's Department Officer for being the driver of a vehicle involved in an accident
19 resulting in damage to property who had failed to stop and either locate and notify the owner or
20 person in charge of the property or leave such person a sufficient note regarding the occurrence.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Acts Involving Dishonesty, Fraud, and / or Deceit)**

23 12. Respondent is subject to disciplinary action under section 4521, subdivision (n), on
24 the grounds of unprofessional conduct, in that Respondent was convicted of a crimes involving
25 dishonest acts. Complainant refers to, and by this reference incorporates, the allegations set forth
26 above in paragraph 11 above, subparagraphs (a) and (b), inclusive, as though set forth fully.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct-Acts Violating the Vocational Nursing**
3 **and Psychiatric Technicians Act)**

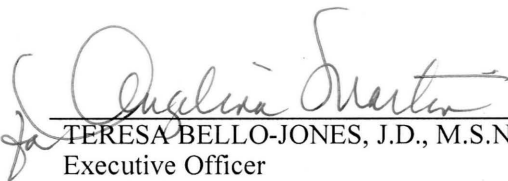
4 13. Respondent is subject to disciplinary action under section 4521, subdivision (d), in
5 conjunction with California Code of Regulations, title 16, section 2578, subdivision (c), on the
6 grounds of unprofessional conduct, in that Respondent was convicted of crimes involving acts
7 which violated the Vocational Nursing and Psychiatric Technician Act. Complainant refers to,
8 and by this reference incorporates, the allegations set forth above in paragraphs 11 through 12,
9 inclusive, as though set forth fully.

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board issue a decision:

- 13 1. Revoking or suspending Psychiatric Technician License No. PT 30758, issued to
14 Cheryl Lee Leonard;
15 2. Ordering Cheryl Lee Leonard to pay the Board the reasonable costs of the
16 investigation and enforcement of this case, pursuant to Business and Professions Code section
17 125.3; and
18 3. Taking such other and further action as deemed necessary and proper.

19
20 DATED: May 30, 2013

21 
22 TERESA BELLO-JONES, J.D., M.S.N., R.N.
23 Executive Officer
24 Board of Vocational Nursing and Psychiatric Technicians
25 Department of Consumer Affairs
26 State of California
27 Complainant
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